IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION, HEALTH BENEFIT, EDUCATIONAL, ELEVATOR INDUSTRY WORK PRESERVATION FUNDS, ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN, Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC. and PAMELA SIMPKINS, AND GORDON MATTHEW SIMPKINS, Defendants.	:	

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment by Confession has been entered against you in the above-proceeding and that enclosed herewith is a copy of all the documents filed in support of said Judgment.

If you have any questions concerning this Notice, please call David D. Capuano, Esq. at (215) 629-4970.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

By: ______________________________
Kate Barkman
Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION, HEALTH BENEFIT, EDUCATIONAL, ELEVATOR INDUSTRY WORK PRESERVATION FUNDS, ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN,	:	
Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC. and PAMELA SIMPKINS, AND GORDON MATTHEW SIMPKINS,	:	
Defendants.	:	

PRAECIPE FOR ENTRY OF JUDGMENT BY CONFESSION

TO THE CLERK:

Kindly enter judgment by confession in the above-captioned matter in favor of Plaintiffs, the Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation Funds, Elevator Constructors Annuity and 401(k) Retirement Plan Funds, and against GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins, jointly and severally, in the amount of $116,661.18, calculated as follows:

Settlement Agreement balance	$21,407.43
Audit Contributions and Interest for audit period of 1/1/2010-4/30/2012	$68,094.07
Audit Fees	$10,891.00
Liquidated Damages	$14,306.18
Attorney's Fees	$1,562.50
Costs	$400.00
The total amount due is	$116,661.18

Respectfully submitted,

DATE: March 17, 2017

O'DONOGHUE & O'DONOGHUE LLP
Constitution Place, Suite 515
325 Chestnut Street
Philadelphia, PA 19106
Telephone (215) 629-4970
Facsimile (215) 629-4996

By: s/ Robert P. Curley
Robert P. Curley
Attorney I.D. No. 55760
By: s/ David D. Capuano
David D. Capuano
Attorney I.D. No. 70238
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION, HEALTH BENEFIT, EDUCATIONAL, ELEVATOR INDUSTRY WORK PRESERVATION FUNDS, ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN,	:	
Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC. and PAMELA SIMPKINS, AND GORDON MATTHEW SIMPKINS,	:	
Defendants.	:	

ENTRY OF APPEARANCE

TO THE DISTRICT COURT CLERK:

Kindly enter my appearance as attorney for the Plaintiffs, the Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation Funds, Elevator Constructors Annuity and 401(k) Retirement Plan Funds, in the above-captioned matter.

DATE: March 17, 2017

Respectfully submitted,

O'DONOGHUE & O'DONOGHUE LLP
Constitution Place, Suite 515
325 Chestnut Street
Philadelphia, PA 19106
Telephone (215) 629-4970
Facsimile (215) 629-4996

By: s/ David D. Capuano
David D. Capuano
Attorney I.D. No. 70238
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR	:	
INDUSTRY PENSION, HEALTH BENEFIT,	:	
EDUCATIONAL, ELEVATOR INDUSTRY	:	
WORK PRESERVATION FUNDS, ELEVATOR	:	
CONSTRUCTORS ANNUITY AND	:	
401(K) RETIREMENT PLAN,	:	
Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC.	:	
and	:	
PAMELA SIMPKINS,	:	
AND	:	
GORDON MATTHEW SIMPKINS,	:	
Defendants.	:	

JUDGMENT

AND NOW, this _____ day of March 2017, a complaint in confession of judgment having been filed;

JUDGMENT IS HEREBY ENTERED in favor or Plaintiffs, Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation Funds, Elevator Constructors Annuity and 401(k) Retirement Plan Funds, and damages are assessed against Defendants, GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins, jointly and severally, as follows:

Settlement Agreement balance	$21,407.43
Audit Contributions and Interest for audit period of 1/1/2010-4/30/2012	$68,094.07
Audit Fees	$10,891.00
Liquidated Damages	$14,306.18
Attorney's Fees	$1,562.50
Costs	$400.00
The total amount due is	$116,661.18

FOR A JUDGMENT in the amount of $116,661.18.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

By: ______________________________
Judge, United States District Court
Eastern District of Pennsylvania

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR	:	
INDUSTRY PENSION, HEALTH BENEFIT,	:	
EDUCATIONAL, ELEVATOR INDUSTRY	:	
WORK PRESERVATION FUNDS, ELEVATOR	:	
CONSTRUCTORS ANNUITY AND	:	
401(K) RETIREMENT PLAN,	:	
Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC.	:	
and	:	
PAMELA SIMPKINS,	:	
AND	:	
GORDON MATTHEW SIMPKINS,	:	
Defendants.	:	

COMPLAINT IN CONFESSION OF JUDGMENT

Plaintiffs, Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation Funds, Elevator Constructors Annuity and 401(k) Retirement Plan Funds, by and through its undersigned counsel, hereby file this Complaint in Confession of Judgment against Defendants, GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins, to collect the balance of a Settlement Agreement as the result of a breach of the terms thereof, and states:

PARTIES

1. The Plaintiffs are the Boards of Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation Funds, Elevator Constructors Annuity and 401(k) Retirement Plan Funds ("NEI Trust Funds"). The NEI Trust Funds are multi-employer employee benefit plans as that term is defined in Sections 3(3) and

3(37) of ERISA, 29 U.S.C. §1002(3) and (37). The NEI Trust Funds are established and maintained according to the provisions of Agreements and Declarations of Trust and are provided for in the Collective Bargaining Agreement between the International Union of Elevator Constructors and the Defendant. The NEI Trust Funds are administered by the Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation, Elevator Constructors Annuity and 401(k) Retirement Plan Funds, 19 Campus Boulevard, Suite 200, Newtown Square, Pennsylvania 19073-3228.

2. Upon information and belief, at all times relevant, Defendant, GMS Elevator Services, Inc. ("GMS Elevator Services, Inc."), is a corporation existing under the laws of the California with offices located at the last known address of 401 Borrego Court, San Dimas, CA 91773.

3. Upon information and belief, at all times relevant, Defendant, Pamela Simpkins is an owner and officer of GMS Elevator Services, Inc., and located at the last known address of 306 Catherine Park Drive, Glendora, CA 91741.

4. Upon information and belief, at all times relevant, Defendant, Gordon Simpkins is an owner and officer of GMS Elevator Services, Inc., and located at the last known address of 306 Catherine Park Drive, Glendora, CA 91741.

JURISDICTION AND VENUE

5. This Court has jurisdiction of this action under Sections 502 and 515 of the Employee Retirement Income Security Act of 1974 (as amended) ("ERISA"), 29 U.S.C. §§1132 and 1145.

6. The Confession of Judgment authorizes the Plaintiffs to file this Complaint in this Court in the event of a default by the Defendants.

BACKGROUND

7. GMS Elevator Services owed the Plaintiffs contributions and interest as a result of its failure to pay reported contributions on behalf of its elevator constructor employees. GMS Elevator Services also owed the balance of a prior settlement agreement, delinquent monthly contributions, as well as contributions and interest found due in a payroll audit.

8. On or about July 24, 2015, the Defendants entered into a Confession of Judgment and Settlement Agreement to resolve the contribution delinquencies. *Plaintiff's Exhibit 1*, Settlement Agreement; *Plaintiff's Exhibit 2*, Confession of Judgment.

9. The Confession of Judgment includes language in paragraph 12 whereby the Defendant, GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins, acknowledge that if there is an event of default, a Judgment can be entered against the Defendants in favor of Plaintiffs. Paragraph 12 specifically provides:

> If there is any default by GMS Elevator Services, Inc., and/or Pamela Simpkins and/or Gordon Simpkins in the payment of the said Settlement Agreement payments or in the payment of the regular monthly contributions, or the failure of GMS Elevator Services, Inc., Pamela Simpkins and/or Gordon Simpkins to abide by the terms of the attached Settlement Agreement, the entire balance due from said Defendants to the Plaintiff Funds shall immediately become due and payable by GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins. Upon affidavit of the Plaintiffs of such default, a judgment in the full amount due may be entered immediately and shall be enforceable as a judgment against GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins. The parties stipulate and agree that if there is an event of default by GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins and the Trustees give notice of non-payment to the Defendants or its attorney and Defendants do not make the past-due payment within five (5) calendar days of the notice, upon the filing of an affidavit of non-payment Defendants shall not contest and this Court shall render

> a Final Judgment in favor of the Trustees against the Defendants, for Two Hundred Seventy-One Thousand Eight Hundred Sixty-Two Dollars and Thirteen Cents ($271,862.13) less any payments that have been made by Defendants to the NEI Plans, plus the costs and any attorney's fees incurred in obtaining the Judgment, plus the "to be determined" amounts, as well as any additional accrued interest. In the event that the Trustees right to file an affidavit of non-payment is triggered by Defendants' non-payment, the Trustees shall also be entitled to recover its attorney's fees and costs incurred in obtaining Final Judgment against Defendants. GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins waive the right or opportunity to be heard prior to the entry of the judgment by this Confession on the records of a court.

Plaintiff's Exhibit 1, Settlement Agreement; *Plaintiff's Exhibit 2*, Confession of Judgment.

10. The Defendants are in default under the terms of the Confession of Judgment by their failure to submit the monthly Settlement Agreement payments and the regular monthly contributions when due. *Plaintiff's Exhibit 3*, Miscellaneous Assessment Report; *Plaintiff's Exhibit 4*, Affidavit of Robert Betts, ¶ 3.

11. The Defendants are in default under the terms of the Settlement Agreement by their failure to submit the monthly Settlement Agreement payments and regular monthly contributions when due, and as a result, the following amounts are due:

Settlement Agreement balance	$21,407.43
Audit Contributions and Interest for audit period of 1/1/2010-4/30/2012	$68,094.07
Audit Fees	$10,891.00
Liquidated Damages	$14,306.18
Attorney's Fees	$1,562.50
Costs	$400.00
The total amount due is	$116,661.18

Plaintiff's Exhibit 3, Miscellaneous Assessment Report; *Plaintiff's Exhibit 4*, Affidavit of Robert Betts. Interest continues to accrue on the unpaid Settlement Agreement balance.

12. The Confession of Judgment provides that in the event of a breach and the Plaintiffs

file this action to enforce the Confession of Judgment, the Plaintiffs are entitled to recover attorney's fees and costs. *Plaintiff's Exhibit 1*, Settlement Agreement; *Plaintiff's Exhibit 2*, Confession of Judgment. The firm has firm expended 6.25 hours in the above captioned case on behalf of Plaintiffs, which included the preparation of the Complaint in Confession of Judgment and all the documents and Exhibits attached thereto. *Plaintiff's Exhibit 5*, Attorney's Fees. O'Donoghue & O'Donoghue LLP has negotiated a fee of $250.00 per hour (attorney time) with its client, the Trustees of the National Elevator Industry Pension, Health Benefit and Educational Funds for the performance of this type of legal representation. The amount due in attorney's fees is $1,562.50. *Plaintiff's Exhibit 5*, Attorney's Fees. In addition, the Plaintiffs expended $400.00 in the filing of this action.

13. Defendants are liable to the Plaintiffs under the Judgment by Confession for all of the amounts owing the Plaintiffs by the Defendants.

14. Plaintiffs have notified the Defendants of the breach of the terms of the Settlement Agreement, but Defendants have failed to correct the breach, which constitutes an event of default under the terms of the Settlement Agreement.

15. Defendants are liable to Plaintiffs under the Judgment by Confession for all of Plaintiffs' ongoing attorney's fees incurred in enforcing Defendants' obligations under the Confession of Judgment and Judgment by Confession.

16. The Judgment to be entered does not involve a loan defined as a "consumer credit transaction" in accordance with Annex. A to Title 231, Chapter 2950, Rule 295 1(a)(2).

17. The Confession of Judgment and Judgment by Confession arose out of a business

transaction and were not entered into for personal, family or household purposes. The Confession of Judgment and Judgment by Confession do not arise out of a retail installment sale, contract or account as defined under the Goods and Services Installment Sales Act, 69 P.S. §1101, *et seq.*

18. The Judgment by Confession is not being entered against natural persons in connection with a consumer credit transaction. The Judgment by Confession is not being entered in connection with a residential lease.

19. Neither the Confession of Judgment nor the Judgment by Confession have been assigned and Plaintiffs are the current holder thereof.

20. Judgment has not been entered on the Judgment by Confession or the Confession of Judgment in any other jurisdiction.

21. The Judgment by Confession is less than twenty years old and no application for a court order granting leave to enter judgment after notice is required.

22. Upon information and belief, the Defendants are not a member of the military.

WHEREFORE, Plaintiffs, Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation Funds, Elevator Constructors Annuity and 401(k) Retirement Plan Funds, demand Judgment against Defendants, GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins, jointly and severally, in the total sum of $116,661.18.

DATE: March 17, 2017

Respectfully submitted,
O'DONOGHUE & O'DONOGHUE LLP
Constitution Place, Suite 515
325 Chestnut Street
Philadelphia, PA 19106
Telephone (215) 629-4970
Facsimile (215) 629-4996

By: s/ Robert P. Curley
Robert P. Curley
Attorney I.D. No. 55760

By: s/ David D. Capuano
David D. Capuano
Attorney I.D. No. 70238
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint in Judgment by Confession, and attachments, has been served by certified mail, as required by 502(h) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1132(h) this 17th day of March 2017 on the following:

Secretary of the Treasury
15th. and Pennsylvania Ave., N.W.
Washington, DC 20220
ATTN: Employee Plans
Internal Revenue Service

Secretary of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210
ATTN: Assistant Solicitor
for Plan Benefits Security

s/ David D. Capuano
David D. Capuano

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION, HEALTH BENEFIT, EDUCATIONAL, ELEVATOR INDUSTRY WORK PRESERVATION FUNDS, ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN, Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC. and PAMELA SIMPKINS, AND GORDON MATTHEW SIMPKINS, Defendants.	:	

CONFESSION OF JUDGMENT

Pursuant to the authority contained in the Confession of Judgment, a copy of which is attached to the Complaint in Confession of Judgment filed in this action as Exhibit 2, I appear for the Defendants, GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins, and confess judgment in favor of the Plaintiffs, Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation Funds, Elevator Constructors Annuity and 401(k) Retirement Plan Funds, and against Defendants, GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins as follows:

Settlement Agreement balance	$21,407.43
Audit Contributions and Interest for audit period of 1/1/2010-4/30/2012	$68,094.07
Audit Fees	$10,891.00
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Attorney's Fees	$1,562.50
Costs	$400.00

The total amount due is $116,661.18

Respectfully submitted,

DATE: March 17, 2017

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325 Chestnut Street
Philadelphia, PA 19106
Telephone (215) 629-4970
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By: s/ Robert P. Curley
Robert P. Curley
Attorney I.D. No. 55760

By: s/ David D. Capuano
David D. Capuano
Attorney I.D. No. 70238
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION, HEALTH BENEFIT, EDUCATIONAL, ELEVATOR INDUSTRY WORK PRESERVATION FUNDS, ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN, Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC. and PAMELA SIMPKINS, AND GORDON MATTHEW SIMPKINS, Defendants.	:	

ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

You are hereby directed to assess damages in favor of Plaintiffs, Trustees of the National Elevator Industry Pension, Health Benefit, Educational, Elevator Industry Work Preservation Funds, Elevator Constructors Annuity and 401(k) Retirement Plan Funds, and against Defendants, GMS Elevator Services, Inc., Pamela Simpkins and Gordon Simpkins as follows:

Settlement Agreement balance	$21,407.43
Audit Contributions and Interest for audit period of 1/1/2010-4/30/2012	$68,094.07
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Liquidated Damages	$14,306.18
Attorney's Fees	$1,562.50
Costs	$400.00
The total amount due is	$116,661.18

FOR A JUDGMENT in the amount of $116,661.18.

Respectfully submitted,

DATE: March 17, 2017

O'DONOGHUE & O'DONOGHUE LLP
Constitution Place, Suite 515
325 Chestnut Street
Philadelphia, PA 19106
Telephone (215) 629-4970
Facsimile (215) 629-4996

By: s/ Robert P. Curley
Robert P. Curley
Attorney I.D. No. 55760
By: s/ David D. Capuano
David D. Capuano
Attorney I.D. No. 70238
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION, HEALTH BENEFIT, EDUCATIONAL, ELEVATOR INDUSTRY WORK PRESERVATION FUNDS, ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN, Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC. and PAMELA SIMPKINS, AND GORDON MATTHEW SIMPKINS, Defendants.	:	

CERTIFICATION OF ADDRESSES

David D. Capuano, Esq., certifies to the best of his knowledge, information and belief that the address of the Plaintiff Funds is 19 Campus Blvd., Suite 200, Newtown Square, PA 19073; the last known address of Defendant GMS Elevator Services, Inc. is 401 Borrego Court, San Dimas, CA 91773, Defendant Pamela Simpkins is 306 Catherine Park Drive, Glendora, CA 91741 and Gordon Simpkins is 306 Catherine Park Drive, Glendora, CA 91741.

DATE: March 17, 2017

Respectfully submitted,
O'DONOGHUE & O'DONOGHUE LLP
Constitution Place, Suite 515
325 Chestnut Street
Philadelphia, PA 19106
Telephone (215) 629-4970
Facsimile (215) 629-4996

By: s/ David D. Capuano
David D. Capuano
Attorney I.D. No. 70238
Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUSTEES OF THE NATIONAL ELEVATOR INDUSTRY PENSION, HEALTH BENEFIT, EDUCATIONAL, ELEVATOR INDUSTRY WORK PRESERVATION FUNDS, ELEVATOR CONSTRUCTORS ANNUITY AND 401(K) RETIREMENT PLAN, Plaintiffs,	:	
v.	:	CIVIL ACTION NO.
GMS ELEVATOR SERVICES, INC. and PAMELA SIMPKINS, AND GORDON MATTHEW SIMPKINS, Defendants.	:	

NOTICEOF RIGHT TO RECOVER ATTORNEY FEES
AND COSTS AND PROCEDURE TO
FOLLOW TO STRIKE OR OPEN A CONFESSED JUDGMENT

TO: GMS Elevator Services, Inc.
401 Borrego Court
San Dimas, CA 91773

Ms. Pamela Simpkins
306 Catherine Park Dr.
Glendora, CA 91741-3144

Mr. Gordon Simpkins
306 Catherine Park Dr.
Glendora, CA 91741-3144

A judgment in the amount of $116,661.18, related to the Confession of Judgment and Settlement Agreement owed to the Plaintiffs, has been entered against you and in favor of the Plaintiffs without any notice of prior hearing based on a Judgment by Confession contained in a written agreement or other document allegedly signed by you. The U.S. Marshall or Sheriff may take your property or money to satisfy this judgment at any time after thirty (30) days after this notice has been served on you.

You may have legal rights to defeat the judgment or to prevent your property or money from being taken. YOU MUST FILE A PETITION SEEKING RELIEF FROM THE

JUDGMENT AND PRESENT IT TO A JUDGE WITHIN THIRTY (30) DAYS AFTER THE DATE ON WHICH THIS NOTICE IS SERVED ON YOU OR YOU MAY LOSE YOUR RIGHTS.

Pursuant to 42 Pa.C.S.A. 2737.1 you are hereby notified that a debtor who has been incorrectly identified and had a confession of judgment entered against him shall be entitled to costs and reasonable attorney’s fees as determined by the Court.

Pursuant to 42 Pa.C.S.A. 2737.1 you are hereby notified of the instructions regarding the procedure to follow to strike off or open a confessed judgment under Pennsylvania Rule of Civil Procedure 2959, which is reproduced in full on the following page.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
1101 Market Street, 11th Fl
Philadelphia, PA 19107
(215) 238-6300

Respectfully submitted,

DATE: March 17, 2017

O'DONOGHUE & O'DONOGHUE LLP
Constitution Place, Suite 515
325 Chestnut Street
Philadelphia, PA 19106
Telephone (215) 629-4970
Facsimile (215) 629-4996

By: s/ Robert P. Curley
Robert P. Curley
Attorney I.D. No. 55760
By: s/ David D. Capuano
David D. Capuano
Attorney I.D. No. 70238
Attorneys for Plaintiffs

Pennsylvania Rule of Civil Procedure 2959
Striking Off or Opening Judgment; Pleadings; Procedure

(a)(1) Relief from a judgment by confession shall be sought by petition. Except as provided in subparagraph (2), all grounds for relief whether to strike off the judgment or to open it must be asserted in a single petition. The petition may be filed in the county in which the judgment was originally entered, in any county to which the judgment has been transferred or in any other county in which the sheriff has received a writ of execution directed to the sheriff to enforce the judgment.
(2) The ground that the waiver of the due process rights of notice and hearing was not voluntary, intelligent and knowing shall be raised only
(i) in support of a further request for a stay of execution where the court has not stayed execution despite the timely filing of a petition for relief from the judgment and the presentation of prima facie evidence of a defense; and
(ii) as provided by Rule 2958.3 or Rule 2973.3.
(3) If written notice is served upon the petitioner pursuant to Rule 2956.1(c)(2) or Rule 2973.1(c), the petition shall be filed within thirty days after such service. Unless the defendant can demonstrate that there were compelling reasons for the delay, a petition not timely filed shall be denied.
(b) If the petition states prima facie grounds for relief the court shall issue a rule to show cause and may grant a stay of proceedings. After being served with a copy of the petition the plaintiff shall file an answer on or before the return day of the rule. The return day of the rule shall be fixed by the court by local rule or special order.
(c) A party waives all defenses and objections which are not included in the petition or answer.
(d) The petition and the rule to show cause and the answer shall be served as provided in Rule 440.
(e) The court shall dispose of the rule on petition and answer, and on any testimony, depositions, admissions and other evidence. The court for cause shown may stay proceedings on the petition insofar as it seeks to open the judgment pending disposition of the application to strike off the judgment. If evidence is produced which in a jury trial would require the issues to be submitted to the jury the court shall open the judgment.
(f) The lien of the judgment or of any levy or attachment shall be preserved while the proceedings to strike off or open the judgment are pending.
(g) (1) A judgment shall not be stricken or opened because of a creditor's failure to provide a debtor with instructions imposed by an existing statute, if any, regarding procedures to follow to strike a judgment or regarding any rights available to an incorrectly identified debtor.
(2) Subdivision (g)(1) shall apply to (1) judgments entered prior to the effective date of subdivision (g)[1] which have not been stricken or opened as of the effective date and (2) judgments entered on or after the effective date.